

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE DIET DRUGS (Phentermine/	)	
Fenfluramine/Dexfenfluramine)	)	MDL DOCKET NO. 1203
PRODUCTS LIABILITY LITIGATION	)	
	)	
	)	
THIS DOCUMENT RELATES TO:	)	
	)	
TINA PERRY	)	
	)	C.A. NO. _____
V.	)	
	)	(Related Case No. 2:04-cv-20100-HB)
WYETH	)	
	)	

**PLAINTIFF'S SEVERED AND AMENDED COMPLAINT**

Pursuant to the provisions of Pretrial Order No. 4575, plaintiff files this Severed and Amended Complaint in the above matter and alleges the following:

**A. PARTIES**

1. Plaintiff, Tina Perry, (hereinafter the "Diet Drug Recipient-Plaintiff"), is an individual and a citizen of the State of Missouri, residing at 229 County Lane 174, Joplin, MO 64804.

2. Upon information and belief, during at least the time period below the Diet Drug Recipient-Plaintiff ingested the following drug products that were marketed, distributed, and sold by defendant, Wyeth:

Pondimin (Fenfluramine): From 10/24/1996 to 8/13/1997

3. Defendant, Wyeth, is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal place of business in Madison, New Jersey. Wyeth is the successor, by change of name, to American Home Products Corporation.

4. Plaintiff does not bring this action against the manufacturer or seller of any Phentermine products.

5. This Court's jurisdiction over the subject matter of this action is contested, but the Court has already determined that it has removal jurisdiction over this action, pursuant to 28 U.S.C. § 1441.

B. CAUSES OF ACTION

6. Plaintiff seeks damages against the above named defendant based upon the following theories of liability, and asserts each element necessary to establish such a claim under the applicable substantive law: Negligence; and Liability under § 402b of the RESTATEMENT OF TORTS (SECOND); and Strict Liability in Tort.

C. CAUSATION, INJURY AND DAMAGE

7. As a direct and proximate result of defendant's culpable actions in the marketing, distribution, and sale of the Diet Drugs described above, the Diet Drug Recipient-Plaintiff sustained the following injuries: Injury to the mitral valve.

8. As a direct and proximate result of the injuries described in the preceding paragraph, the Diet Drug Recipient-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages: pain and suffering; loss of the pleasure of life; loss of earnings and/or impairment of earning capacity; expenses for medical care, treatment, and rehabilitation; physical pain and mental anguish in the past and future; disfigurement in the past and future; worry and anxiety; and all hedonic damages allowed by law.

WHEREFORE, Plaintiff respectfully prays that the Court enter judgment in his/her favor and against defendant for damages, costs of suit and such other, further and different relief as may be just and appropriate.

Respectfully submitted,

FLEMING & ASSOCIATES, L.L.P.

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Rand P. Nolen\*  
Texas Bar No. 00788126  
George M. Fleming  
Texas Bar No. 07123000  
1330 Post Oak Boulevard, Suite 3030  
Houston, Texas 77056  
Telephone (713) 621-7944  
Fax (713) 621-9638

COUNSEL FOR PLAINTIFF

OF COUNSEL:

MIKE O'BRIEN, P.C.  
Mike O'Brien (TX BN 15170200)  
1330 Post Oak Blvd., Suite 2960  
Houston, Texas 77056  
Telephone (713) 222-0088  
Fax (713) 222-0888

\* Signed with permission

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PLAINTIFF TINA PERRY'S SEVERED AND AMENDED COMPLAINT has been filed via certified mail, return receipt requested, and service on all attorneys accomplished as set forth below on May 6, 2005:

Via Certified Mail, RRR:

Peter L. Zimroth  
ARNOLD & PORTER LLP  
399 Park Avenue  
New York, NY 10022-4690

Robert D. Rosenbaum  
ARNOLD & PORTER LLP  
555 Twelfth St., N.W.  
Washington, DC 20004

Stephen M. Brooks  
NELSON MULLINS RILEY & SCARBOROUGH, LLP  
999 Peachtree Street, NE  
Atlanta, GA 30309  
Attorneys for Wyeth

Via First-Class Mail

Gregory P. Miller  
MILLER, ALFANO & RASPANTI  
1818 Market, Suite 3402  
Philadelphia, PA 19103  
Fax 215-988-1478 or 215-981-0082  
gmiller@mar-law.com  
Special Discovery Master

Arnold Levin  
LEVIN, FISHBEIN, SEDRAN AND BERMAN  
510 Walnut, Suite 500  
Philadelphia, PA 19106  
Fax 215-592-4663  
alevin@lfsblaw.com  
Co-Chair of Plaintiffs' Management Committee

John J. Cummings, III  
CUMMINGS, CUMMINGS & DUDENHEFER  
416 Gravier  
New Orleans, LA 70130  
Fax 504-522-8423  
ccdlawfirm@aol.com  
Co-Chair of Plaintiffs' Management Committee

Stanley M. Chesley  
WAITE, SCHNEIDER, BAYLESS, CHESLEY Co., LPA  
1513 Central Trust Tower  
Cincinnati, OH 45202  
Fax 513-621-0262  
stanchesley@wsbclaw.com  
Co-Chair of Plaintiffs' Management Committee

Deborah A. Hyland  
PLAINTIFFS' MANAGEMENT COMMITTEE  
325 Chestnut, Suite 200  
Philadelphia, PA 19106  
Fax 215-629-3998  
Co-Chair of Plaintiffs' Management Committee

Michael T. Scott  
Paul B. Kerrigan  
Reed Smith, L.L.P.  
1650 Market Street, Suite 2500  
Philadelphia, PA 19103  
Fax 215-851-1420  
[mscott@reedsmit.com](mailto:mscott@reedsmit.com)  
[pkerrigan@reedsmit.com](mailto:pkerrigan@reedsmit.com)  
Liaison Counsel for Fenfluramine and Dexfenfluramine Defendants

Edward W. Madeira, Jr.  
Pepper Hamilton, L.L.P.  
3000 Two Logan Square  
Eighteenth and Arch Streets  
Philadelphia, PA 19103-2799  
Fax 215-981-4750  
[madeirae@pepperlaw.com](mailto:madeirae@pepperlaw.com)  
Liaison Counsel for Phentermine Manufacturers and Suppliers

Edward S. Weltman  
Goodwin Procter, L.L.P.  
599 Lexington Avenue  
New York, NY 10022  
Fax 212-355-3333  
[eweltman@goodwinprocter.com](mailto:eweltman@goodwinprocter.com)  
Co-Lead Counsel for Phentermine Defendants

Peter L. Resnik  
McDermott, Will & Emery  
28 State, 34th Floor  
Boston, MA 02109-1775  
Fax 617-535-3800  
[presnik@mwe.com](mailto:presnik@mwe.com)  
Co-Lead Counsel for Phentermine Defendants

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Rand P. Nolen\*

\*        Signed with permission